

City of Annapolis
Alcoholic Beverage Control Board
December 1, 2010

The Regular Meeting of the Alcoholic Beverage Control Board of the City of Annapolis was held on December 1, 2010 in the City Council Chamber. Chair Leonard Berman called the meeting to order at 7:00 p.m.

Present: Chair Leonard Berman, Vice Chair Lawrence Harris, Jr., Members Elizabeth Finkle, Sean O'Neill

Staff: City Attorney Karen Hardwick

Member Finkle moved to approve the Journal of Proceedings of November 3, 2010. Seconded. CARRIED on voice vote.

DISCIPLINARY HEARINGS

• **ARMADILLO'S RESTAURANT**

Infraction Citation No. 055, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, MDTA Cadet Smith and Detective Reid from the Annapolis Police Department were present.

Joseph F. Gormley, attorney for the licensees, Baldwin, Kagan & Gormley, 112 West Street Annapolis, Maryland 21401 having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, Brandon H. Fisher and Thomas P. Dougan were present and answered questions addressed by the Board.

Server, Stephanie Smith was not present.

Without objection the order of the agenda was changed.

• **RUBY TUESDAYS**

Infraction Citation No. 057, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, CSO Holmes and Detective Reid from the Annapolis Police Department were present.

Kemp W. Hammond, attorney for the licensees, Baldwin, Kagan & Gormley, 112 West Street, Annapolis, Maryland 21401 having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, Allen J. Furth and David Syarto were present.

Chuck Atkins, general manager for Ruby Tuesdays was also present and answered questions addressed by the Board.

Server, Kelly Harvey was not present.

The order of the agenda was resumed.

- **CHRIS'S CHARCOAL PIT HOUSE**

Infraction Citation No. 200, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, CSO Holmes and Detective Reid from the Annapolis Police Department were present.

Sotirios Christoforou having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, Paul Sophocles, Sotirios Christoforou and Maria Christoforou were present and answered questions addressed by the Board.

Server, Sandra Fisher was not present.

- **GALWAY BAY**

Infraction Citation No. 195, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, MDTA Cadet Smith and Detective Reid from the Annapolis Police Department were present.

Anthony Clarke having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Chair Berman entered into the record the following:

Exhibit # 1: Restaurant Menu; noting employee policy

Exhibit # 2: ServSafe Alcohol Course & Class Score Analysis

Licensees, T. Sharyn Steffey, Thomas M. Galway and Anthony Clarke were present and answered questions addressed by the Board.

Server, Mark Kotler was not present.

- **JACK'S FORTUNE**

Infraction Citation No. 197, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, CSO Holmes and Detective Reid from the Annapolis Police Department were present.

Linda C. Carter, attorney for the applicants, Meyers, Rodbell & Rosenbaum, P.A., 6801 Kenilworth Avenue, Suite 400, Riverdale Park, Maryland 20737-1385 having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, Jason Mao, Jack Luu and Ya Jiao Li were present.

Server, Junyan Xin was not present.

- **JOHN BARRY RESTAURANT AND BAR**

Infraction Citation No. 065, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, MDTA Cadet Smith and Detective Reid from the Annapolis Police Department were present.

Robert D. Miller, attorney for the licensees, Hyatt & Weber, P.A., Severn Bank Building, 200 Westgate Circle, Suite 500, Annapolis, Maryland 21401 having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensee, Sharon Duckett was present and answered questions addressed by the Board.

Lesley Pattison, general manager for O'Callaghan Hotel, owner and operator of John Barry Restaurant was also present and answered questions addressed by the Board.

Server, Mark Philip Schrader was present and answered questions addressed by the Board.

- **LUNA BLU**

Infraction Citation No. 027, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, MDTA Cadet Smith and Detective Reid from the Annapolis Police Department were present.

Erin Dryden having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, Erin Dryden and Micheline Frix-Scott were present and answered questions addressed by the Board.

Server, Melissa Ann Schwab was not present.

- **MAIN ST. MINI MART**

Infraction Citation No. 054, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, MDTA Cadet Smith and Detective Reid from the Annapolis Police Department were present.

Licensee, Germania Benalcazar having stipulated to the police report, waived her right to hear charges presented by Detective Truitt and answered questions addressed by the Board.

Server, Jose Luis Hernandez was not present.

- **PAUL'S HOMEWOOD CAFÉ**

Infraction Citation No. 056, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, CSO Holmes and Detective Reid from the Annapolis Police Department were present.

William C. Mitchell, Jr., attorney for the licensees, Rose & Mitchell, P.A., 410 Rowe Boulevard, Annapolis, Maryland 21401 having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, Sevasti Anna Marriott and Christopher Nicholas were present and answered questions addressed by the Board.

Server, Lea Nicole Marriott was present answered questions addressed by the Board.

- **PHILLY FLASH**

Infraction Citation No. 198, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, CSO Holmes and Detective Reid from the Annapolis Police Department were present.

Donna DeCesaris, having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, Angela Nassar, Joseph A. DeCesaris and Donna DeCesaris were present and answered questions addressed by the Board.

Server, Kelly Matilde Brown was not present.

- **RAMS HEAD TAVERN**

Infraction Citation No. 196, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, MDTA Cadet Smith and Detective Reid from the Annapolis Police Department were present.

William Muehlhauser, having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, Patricia Linthicum, William Muehlhauser and Paula Muehlhauser were present and answered questions addressed by the Board.

Wayne Fertitta, manager for Rams Head Tavern was also present and answered questions addressed by the Board.

Server, Robert Hess Kline was not present.

- **WEST STREET LIQUORS**

Infraction Citation No. 024, Sales to underaged persons

The charges were not disputed by the establishment.

Detective Ricky Truitt, MDTA Cadet Smith and Detective Reid from the Annapolis Police Department were present.

William Malley having stipulated to the police report, on behalf of the licensees waived their right to hear charges presented by Detective Truitt.

Licensees, William B. Malley, Kenneth C. Malley and Catherine P. Malley were present and answered questions addressed by the Board.

Server, Matthew Paul Barrett was not present.

Chair Berman declared the disciplinary hearing closed.

The Chair declared a five-minute recess.

PUBLIC HEARINGS

- **AMERICAN DINERS & SUSHI – Transfer**

Application for the transfer of a Class B-2 Restaurant, Beer, Wine and Liquor, only with meals, six a.m. to midnight, seven days a week (special Sunday License) by Ellen A. Mignone, Jie Wu-Liu and Huiyee Lung Harrison, k/a M J Leading Company (formerly Kevin Y L, LLC) t/a AMERICAN DINERS & SUSHI, 105 Main Street, Annapolis, Maryland 21401.

Jay S. Yoo, attorney for the applicants, 3440 Ellicott Center Drive, Suite 103, Annapolis, Maryland 21401 gave a brief presentation.

Applicants, Ellen A. Mignone, Jie Wu-Liu and Huiyee Lung Harrison were present and answered questions addressed by the Board.

No one from the general public spoke in favor or in opposition to the application.

Mr. Yoo, pursuant to the ABCB Rules & Regulations 3.08 presented on behalf of the licensees a request to change the trade name from American Diners & Sushi to Sakura Café.

Member Harris moved to approve the transfer application, *with an addendum to approve the request for a name change to Sukura Café*, for a Class B-2 Restaurant, Beer, Wine and Liquor, only with meals, six a.m. to midnight, seven days a week (special Sunday License) by Ellen A. Mignone, Jie Wu-Liu and Huiyee Lung Harrison know as M J Leading Company (formerly Kevin Y L, LLC) t/a SUKURA CAFE, 105 Main Street, Annapolis, Maryland 21401. Seconded. CARRIED on voice vote.

- **RED RED WINE BAR – New**

Application for a new alcoholic beverage license Class B-4.a.b Restaurant, Beer, Wine and Liquor, on sale, six a.m. to twelve midnight seven days per week (Special Sunday License), in addition, off-sale Monday through Sunday (Special Sunday License) during authorized hours by James Davies, Jr. and Brian Bolter for the premises known as Red Red Wine Bar, LLC t/a RED RED WINE BAR, 189 B Main Street, Annapolis, Maryland 21401.

Charles F. Delavan, attorney for the applicants, Blumenthal, Delavan & Williams, P.A., 170 Jennifer Road, Suite 240, Annapolis, Maryland 21401, gave a brief presentation.

Applicants, James Davies, Jr. and Brian Bolter were present and answered questions addressed by the Board.

Present and testified on behalf of the application:

Shepard Tullier, Land Use Consultant, LandVisions, Inc., 1982 Moreland Parkway, Suite 201 Annapolis, Maryland 21401

Spoke in favor of the application:

Joseph Budge, 9 Randall Court, Annapolis, Maryland 21401

No one from the general public spoke in favor or in opposition to the application.

Member O'Neill moved to approve the application for a new Class B-4.a.b Restaurant, Beer, Wine and Liquor, on sale, six a.m. to twelve midnight seven days per week (Special Sunday License), in addition, off-sale Monday through Sunday (Special Sunday License) during authorized hours by James Davies, Jr. and Brian Bolter for the premises known as Red Red Wine Bar, LLC t/a RED RED WINE BAR, 189 B Main Street, Annapolis, Maryland 21401. Seconded. CARRIED on voice vote.

- **MARYLAND INN – Transfer**

Application for a corporation transfer of a Class E-1.x Hotel, Beer, Wine and Liquor, on sale, six a.m. to twelve midnight seven days per week (Special Sunday License), in addition, sales as authorized from twelve midnight to two a.m. by Bruce Nairn, Archie Bennett and Joe Dantoni

for the premises known as Ashford HI Beverage, Inc. (formerly Historic Inns Beverage, Inc.) t/a MARYLAND INN, 16 Church Circle, Annapolis, Maryland 21401.

Blanche Olivarez, Licensing Administrator for Remington, 14185 Dallas Parkway, Suite 1150 Dallas, Texas 75254 on behalf of the applicants gave a brief presentation.

Applicant, Joe Dantoni was present.

Licensees, Bruce Nairn and Archie Bennett were not present.

Chair Berman moved to continue the Maryland Inn transfer until the next meeting January 5, 2011 in order to clarify the ownership chart and the responsibilities of the entities involved. Seconded. CARRIED on voice vote.

- **GOVERNOR CALVERT HOUSE – Transfer**

Application for a corporation transfer of a Class E-1.x Hotel, Beer, Wine and Liquor, on sale, six a.m. to twelve midnight seven days per week (Special Sunday License), in addition, sales as authorized from twelve midnight to two a.m. by Adele W. Greil, Montgomery Bennett and David Kimichik for the premises known as Ashford GCH Beverage, Inc. (formerly Governor Calvert House Beverage, Inc.) t/a GOVERNOR CALVERT HOUSE, 58 State Circle, Annapolis, Maryland 21401

Blanche Olivarez, Licensing Administrator for Remington, 14185 Dallas Parkway, Suite 1150 Dallas, Texas 75254 on behalf of the applicants gave a brief presentation.

Licensee, Adele W. Greil was present.

Licensees, Montgomery Bennett and David Kimichik were not present.

Chair Berman moved to continue the Governor Calvert House transfer until the next meeting January 5, 2011 in order to clarify the ownership chart and the responsibilities of the entities involved. Seconded. CARRIED on voice vote.

- **SIN FRONTERAS CAFÉ – Transfer**

Application for the transfer of a Class B-2 Restaurant, Beer, Wine and Liquor, only with meals, six a.m. to twelve midnight seven days per week (Special Sunday License) by Zoila A. Romero for the premises known as Sin Fronteras Cafe, LLC (formerly Taqueria Serrano, Inc.) t/a SIN FRONTERAS CAFE, 2129 Forest Drive, Annapolis, Maryland 21401

Walter Vasquez, managing partner, on behalf of the applicant gave a brief presentation.

Applicant, Zoila A. Romero was present.

Alberto Serrano, licensee for Restaurant Serrano was also present and answered questions

addressed by the Board.

No one from the general public spoke in favor or in opposition to the application.

Member Harris moved to approve the application, *contingent upon satisfaction of payment for all State of Maryland Sales & Use Taxes*, for a Class B-2 Restaurant, Beer, Wine and Liquor, only with meals, six a.m. to twelve midnight seven days per week (Special Sunday License) by Zoila A. Romero for the premises known as Sin Fronteras Cafe, LLC (formerly Taqueria Serrano, Inc.) t/a SIN FRONTERAS CAFE, 2129 Forest Drive, Annapolis, Maryland 21401. Seconded. CARRIED on voice vote.

- **CASTLEBAY IRISH PUB – Upgrade**

Application for an upgrade of an existing license from Class B-4.a.b Restaurant, Beer, Wine and Liquor, on sale, six a.m. to twelve midnight seven days a week (special Sunday License), in addition, off sale, Monday through Sunday (Special Sunday License) to Class B-4.x.a.b Restaurant, Beer, Wine and Liquor, on sale, six a.m. to twelve midnight seven days a week (special Sunday License), in addition, sales as authorized from twelve midnight to two a.m. including off sale, Monday through Sunday (Special Sunday License) during authorized hours by Vernon P. Loggins, Virginia K. Jones and Carol W. Quinlan known as Round Tower, LLC t/a CASTLEBAY IRISH PUB, 193-A Main Street, Annapolis, Maryland 21401

William F. Jones, attorney for the applicants, 703 Giddings Avenue, Suite U-6, Annapolis Maryland 21401 gave a brief presentation and entered the following into the record:

Exhibit # 1: Signed petition in favor of the 2:00 a.m. upgrade

Applicant, Vernon P. Loggins was present and answered questions addressed by the Board.

Vincent Quinlan, managing member for Round Tower, LLC was also present and answered questions addressed by the Board.

Licensees, Virginia K. Jones and Carol W. Quinlan were not present.

Present and testified on behalf of the application:

Shepard Tullier, Land Use Consultant, LandVisions, Inc., 1982 Moreland Parkway, Suite 201 Annapolis, Maryland 21401

Spoke regarding the application:

Joseph Budge, 9 Randall Court, Annapolis, Maryland 21401

Spoke in favor of the application:

Alderman Kirby, 100 Conley Avenue, Annapolis, Maryland 21403

Andrew Zois, 65 Franklin Street, Annapolis, Maryland 21401

No one from the general public spoke in favor or in opposition to the application.

Member Harris moved to approve the application for a Class B-4.x.a.b Restaurant, Beer, Wine and Liquor, on sale, six a.m. to twelve midnight seven days a week (special Sunday License), in addition, sales as authorized from twelve midnight to two a.m., including off sale, Monday through Sunday (Special Sunday License) during authorized hours by Vernon P. Loggins, Virginia K. Jones and Carol W. Quinlan known as Round Tower, LLC t/a CASTLEBAY IRISH PUB, 193-A Main Street, Annapolis, Maryland 21401. Seconded. CARRIED on voice vote.

Chair Berman declared the public hearing closed with exception to Maryland Inn and Governor Calvert House.

The Board moved into executive session.

- **PENALTY GUIDELINES**

Proposed revisions to ABCB penalty guidelines

Member Harris moved to approve the proposed revisions be implemented. Seconded. CARRIED on voice vote.

ACTION ON DISCIPLINARY HEARING

- **ARMADILLO'S RESTAURANT**

Infraction Citation No. 055, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$750. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **CHRIS'S CHARCOAL PIT HOUSE**

Infraction Citation No. 200, Sales to underaged persons

Member O'Neill moved that the facts presented at the hearing on December 1, 2010 warrant a

violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **GALWAY BAY**

Infraction Citation No. 195, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **JACK'S FORTUNE**

Infraction Citation No. 197, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **JOHN BARRY RESTAURANT AND BAR**

Infraction Citation No. 065, Sales to underaged persons

Vice Chair Berman moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$750. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **LUNA BLU**

Infraction Citation No. 027, Sales to underaged persons

Vice Chair Berman moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Finkle moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **MAIN ST. MINI MART**

Infraction Citation No. 054, Sales to underaged persons

Vice Chair Berman moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$1,000. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **PAUL'S HOMEWOOD CAFÉ**

Infraction Citation No. 056, Sales to underaged persons

Vice Chair Berman moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **PHILLY FLASH**

Infraction Citation No. 198, Sales to underaged persons

Vice Chair Berman moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **RAMS HEAD TAVERN**

Infraction Citation No. 196, Sales to underaged persons

Vice Chair Berman moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **RUBY TUESDAYS**

Infraction Citation No. 057, Sales to underaged persons

Vice Chair Berman moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$750. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

- **WEST STREET LIQUORS**

Infraction Citation No. 024, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on December 1, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$750. Seconded. CARRIED on voice vote. Due and payable by 4:00 p.m. Friday, January 7, 2011.

Upon motion duly made, seconded and adopted, the meeting adjourned at 11:15 p.m.

Theresa Bucalo
Deputy City Clerk